

Legislative Bulletin.....June 13, 2001

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H.R. 1157—Pacific Salmon Recovery Act (Thompson, Mike)

Order of Business: The bill is scheduled to be considered on Wednesday, June 13th, under an open rule.

Summary Based on Base Text (Gilchrest Amendment) Made in Order Under the Rule For Amendment

Summary: Under current law, \$90 million per fiscal year is appropriated for salmon conservation. However, there are no accountability provisions authorized for such appropriations, qualified states are required to match 25% of appropriated funds, and Idaho is not included.

H.R. 1157 would:

1. authorize \$200 million per fiscal year (for FY2002, FY2003, and FY2004) for “salmon conservation and salmon habitat restoration activities,”
2. require that qualified states match (with non-federal funds) 100% of appropriated federal funds,
3. add Idaho to the list of qualified states (which currently includes Alaska, Washington, Oregon, and California, along with tribal governments within the borders of qualified states), and
4. require states and tribal governments to submit a “Salmon Conservation and Salmon Habitat Restoration Plan” detailing how the money will be spent (tribal governments must enter into a memo of understanding with the Secretary). Highlights of what a Plan would have to include are:
 - Proof of a “direct and demonstrable benefit” to salmon (or related fish specified in the bill)
 - Statements of cost effectiveness
 - Scientific bases for funded activities
 - Demonstration that activities will not be conducted on private land except with the consent of the land-owner.
5. By the end of every calendar year, each state would have to submit a report to Congress on the use of funds received under this legislation.

Distribution of Funds: The bill would authorize the funds to be distributed as block-grants through the Secretary of Commerce. 85% of such funds would be distributed equally to qualified states, and the remaining 15% would be allocated to tribal governments in amounts determined by the Secretary.

Administrative Costs: The Secretary of Commerce would not be permitted to use more than one percent of appropriated funds for administrative expenses to carry out this Act, and qualified states and tribal governments would each not be permitted to use more than three percent of appropriated funds for administrative expenses.

Reports:

1. H.R. 1157 would also direct the President to report to Congress by September 1, 2001, calculations of the differences between:
 - a. the U.S.-dollar-value of annuity payments made and to be made to employees of the International Pacific Salmon Fisheries Commission or the International North Pacific Fisheries Commission (who worked in Canada), and
 - b. the Canadian-dollar-value of such annuity payments.
2. The Secretary of Commerce would be required to submit to Congress a report on the use of financial assistance received by tribal governments. Every other year, the Secretary would be required to submit to Congress a similar report regarding the qualified states. In both types of reports, the Secretary would have to include an evaluation of the success of this Act in preserving salmon and its habitat.

A similar bill, H.R. 2798 passed the House by voice vote on September 8, 2000.

Cost to Taxpayers: Though no CBO estimate is available for H.R. 1157, a CBO estimate for the essentially identical bill in the 106th Congress reported the total cost, subject to appropriations, would be **\$600 million** (\$200 million per fiscal year).

Does the Bill Create New Federal Programs or Rules?: Yes—see details above.

Constitutional Authority: Though no committee report is available for H.R. 1157, a committee report for H.R. 2798 in the 106th Congress cited Article I, Section 8 (no specific clause) as the constitutional authority for this legislation.

Amendments:

Hooley: requires the Secretary of the Interior to report to Congress each year regarding the effects on Pacific salmon stocks by timber harvesting on publicly owned lands in British Columbia. (*No new expenditure.*)

Kucinich: ensures that the terms "naturally produced salmon" and "naturally produced trout" included in the bill do not include any genetically engineered fish. (*No new expenditure.*)

Otter: States Sense of Congress regarding the goal of protecting and restoring salmon and other aquatic species to sustainable and harvestable levels while adhering to existing environmental law as well as economic needs. (*No new expenditure.*)

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H.R. 2052 — Sudan Peace Act (Tancredo)

Order of Business: The bill is scheduled to be considered Wednesday under an open rule.

Note: H.R. 2052 is a newer version of Rep. Tancredo's original Sudan bill (H.R. 931), with a few technical changes to avoid jurisdictional problems with the Financial Services committee.

Summary: For almost four decades Sudan, a country of 32.6 million people, has been the scene of intermittent conflict. An estimated two million people have died from war-related causes and famine in southern Sudan, and millions more have been displaced. The Sudanese conflict, Africa's longest-running civil war, shows no sign of ending.

Condemnations : H.R. 2052 states that Congress hereby "condemns"

- violations of human rights on all sides of the conflict in Sudan;
- the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;
- the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice;
- the Government of Sudan's use and organization of groups into organized and coordinated raiding and slaving parties;
- and aerial bombardment of civilian targets that is sponsored by the Government of Sudan.

Sense of Congress: The bill states the Sense of Congress that the President, through the US ambassador to the UN, should seek to revise the terms of the United Nations relief operation to remove Sudan's veto authority over flights, investigate the practice of Sudanese slavery, and sponsor a UN condemnation of Sudan each time it bombs its civilians.

Authorizations: The bill:

1. Authorizes the Secretary of State to use his personnel to support peace negotiations, peace settlement or implementation, and other diplomatic efforts.
2. Directs the President to develop a contingency plan, outside of the U.N. if necessary, to deliver food and aid in the event that the Sudanese government imposes a partial, total or incremental ban on air transport relief flights. The bill provides the President with reprogramming authority to carry out the plan.

Reports: The bill requires:

1. the State Dept. to report in six months and annually thereafter on Sudanese oil development and US involvement as well as estimates of damage to bombed targets and a description of the obstruction of humanitarian relief;
2. the President to report in 90 days the progress toward using non-UN agencies to distribute Sudanese aid and a contingency plan on aid distribution in the event the Sudanese Government cuts off UN relief efforts; and
3. the Secretary of State to collect information about incidents which may constitute crimes against humanity, genocide, war crimes, and "other violations of international humanitarian law" by all parties to the conflict in Sudan and report this information to Congress within six months and annually thereafter.

Financial Disclosure By Businesses Operating in Sudan: H.R. 2052 will impose a private-sector mandate on entities engaged in commercial activities in Sudan. The bill will require entities wishing to trade securities in any U.S. capital market (i.e. NASDAQ) to file an SEC disclosure form outlining:

- 1) the nature and extent of its commercial activity,
- 2) the identity of all agencies of the Sudanese Government with which it is working,

- 3) the relationship of the commercial activity to any violations of religious freedom and other human rights in Sudan, and
- 4) the contribution of proceeds from the capital market to its commercial activity in Sudan.

CBO estimates that because of the limited number of companies affected by the bill and the minimal cost of disclosure, the unfunded mandate would fall below 2001's \$113 million threshold for private-sector mandates.

Cost to Taxpayers: CBO estimates H.R. 2052 would increase the State Department's spending by less than \$500,000 annually, subject to appropriations.

NOTE: H.R. 2052 urges the President "to promptly make available" \$10 million set aside in last year's FY01 Foreign Operations bill to provide assistance to the National Democratic Alliance of Sudan. The U.S. provides the people of Sudan nearly \$190 million per year in assistance. CBO estimates that spending on these emergency and humanitarian programs will continue at current levels.

Constitutional Authority: The Committee finds the authority for this legislation in Article I, section 8, clause 18 (all laws necessary and proper) of the Constitution.

Does the Bill Create New Federal Programs or Rules: YES, the bill requires multiple reports (described above) and imposes a new private sector mandate (described above).

Amendments:

Bachus/Hall/Smith (MI): Amendment prohibits any foreign company from raising capital or listing its securities in U.S. markets as long as the foreign company is engaged in oil and gas development in Sudan. Current trade sanctions prohibit domestic companies from engaging in oil and gas development in Sudan.

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H.Con.Res. 145—Condemning the recent order by the Taliban regime of Afghanistan to require Hindus in Afghanistan to wear symbols identifying them as Hindu. (Engel)

Order of Business: The resolution is scheduled to be considered on Wednesday, June 13th, under a previous unanimous consent order.

Summary: On May 22, 2001, the Taliban regime of Afghanistan ordered Hindus and other non-Muslims to wear a yellow identity symbol (reminiscent of the patches that the Nazis forced Jews and other targeted groups to wear in the 1930s and 1940s). The directive also ordered Hindu women to fully veil themselves.

H.Con.Res.145 states that Congress:

- "strongly condemns" the use of "Nazi tactics" in forcing Hindus to wear identifying symbols
- objects to the various manifestations of religious persecution by the Taliban regime

- demands that the stigmatization of Hindus and other non-Muslims be immediately revoked and that the regime conform Afghan law “to all basic international civil and human rights standards”
- calls on the government of Pakistan to pressure Afghanistan to revoke the order for Hindus and other non-Muslims to wear an identity symbol.

The resolution cites the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights as guarantors of the freedom of religion.

Cost to Taxpayers : The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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